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MONTANA PERSONNEL PERSPECTIVES

Volume I
Number 4

June, 1981

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LEGISLATION AFFECTS PERSONNEL ADMINISTRATION

Bills providing employee pay and benefits, incentive awards and changes in holiday administration were approved by the 1981 Legislature and signed into law by Governor Ted Schwinden.

Passage of this legislation culminated a two-year period of research and development by the Personnel Division resulting in proposals on these areas of personnel management which now are law.

House Bill 840, commonly known as the pay bill, provides $48 million for employee salaries increases and benefits over the next biennium. The state's insurance contribution will be $70 in fiscal 1982 and $80 in fiscal 1983. Copies of the pay matrix have been distributed to the departments or may be obtained by contacting the Employee Benefits Bureau, Personnel Division. The new pay matrix goes into effect July 12.

In addition to providing the salary and benefits appropriation, House Bill 840 authorizes an important change in the classification appeals system. The legislation provides that "Employees and employee organizations will be given the opportunity to appeal the allocation or reallocation of a position to a class. The grade (emphasis added) assigned to a class is not an appealable subject under 2-18-1011 through 2-18-1013." This change was effective on approval of the bill.

The legislation also provides $150,000 to fund a commission to study and make recommendation for changes in the personnel and labor relations programs in the state. Members of the commission will be selected from a diverse group which represents the interests of the general public, labor, the legislature and the executive branch. The Personnel Division is currently drafting a charter for the commission. Questions or comments about the study commission can be directed to Mark Cress, Chief, Employee Relations Bureau, at 449-3871.

House Bill 161 authorizes a new program of incentive awards for state employees who make cost savings suggestions. The program will be implemented in the fall of 1981, when the Legislation becomes effective. An employee whose suggestion is accepted will receive 10% of the net first year savings, up to a total of $500. Administration of the incentive awards program will be developed by the Employee Benefits Bureau of the Personnel Division.

At the request of the Personnel Policy Network and the Department of Administration, House Bill 442 was introduced, providing increased flexibility in the administration of holidays for employees whose regularly scheduled day off falls on a holiday and for pro-rated holiday pay for all part-time employees. The Department of Administration will be adopting rules to adminster this benefit which goes into effect on October 1.

NEWSLETTER RETURNS

After a few month's absence, publication has resumed of *Montana Personnel Perspectives*, the newsletter of the Personnel Division of the Department of Administration.

The newsletter is distributed to top managers and to personnel and EEO officers to keep them informed about personnel-related issues. Comments about the newsletter should be addressed to the Employee Relations Bureau, Personnel Division, 449-3871.

NEW STATE JOB APPLICATION, DATA COLLECTION SYSTEM READY

A revised state application blank and uniform applicant data collection procedures are ready for implementation July 1. One-hour training sessions on the new forms and system will be offered the week of June 22 in Helena and around the state for supervisors responsible for hiring, personnel officers and personnel clerks.

The application blank and procedures have been developed over the past year by the Personnel Division staff in cooperation with an affirmative action committee composed of representatives appointed by interested agencies. They also have been reviewed by the Personnel Policy Network.

The new application satisfies several objectives. It:

--eliminates "suspect questions" which provide information that in most cases cannot lawfully be considered;

--provides information needed for a federally-required applicant flow analysis;

--provides information needed to implement the veteran's and handicap preference law, 10-2-203, MCA;

--provides information needed by the Merit System for more efficient administration;

--provides more spaces for information on previous work experience.

The applicant flow system will gather data on selection decisions in a form that can be analyzed centrally on computer to aid agencies in satisfying federal requirements and in meeting their affirmative action goals. A handicapped applicant flow form has also been designed to aid hiring authorities in properly assessing the qualifications of handicapped applicants and the feasibility of accommodation.

For further information, contact the Employee Relations Bureau EEO Section, 449-3871.

MERIT SYSTEM DELEGATES SOME FUNCTIONS TO AGENCIES

To speed up the process of awarding non-competitive promotions in Merit System agencies, the agencies may be authorized to determine which employees are eligible for promotion, instead of having the Merit System Bureau do it for them, according to Bureau Chief Jim Silberberger.

The Department of Social and Rehabilitation Services (SRS) is the first agency to receive this authority. The agency's decision must conform to Merit System rules and an employee may appeal the decision to the Merit System Council. The agency's decision also is subject to review by the bureau.

For further information on this program, agency managers should contact their personnel officers or Silberberger at 449-2064.

In other activity, the bureau has approved an agreement with the Montana Job Service to provide screening and testing of applicants for clerical positions in Merit System agencies without prior bureau approval, which was required in the past. Under this agreement, applicants who the Job Service determines are qualified can be tested and placed on a job register much more quickly. Tests are scored by the Merit System and questionable applications are returned to the bureau for screening. For further information about this agreement, contact Silberberger.

PERFORMANCE APPRAISAL BRIEFINGS NOW AVAILABLE

Briefings by the Personnel Division are available now for agency staff who will be training line mangers in the implementation of the Performance Appraisal system in their agencies.

The Employee Relations Bureau has developed a training package, including an Instructor's Guide, handouts, exercises and transparencies. Bureau staff members will meet with agency trainers to prepare them to use this instructional material to train other agency managers.

For further details on the briefings, contact Employee Relations Bureau Chief Mark Cress, 449-3871.

ADVISORY COUNCIL TO REVIEW GROUP INSURANCE BIDS

The Group Benefits Advisory Council will meet Friday, June 26 to review bids for the state's group insurance program. For details, contact the Employee Benefits Bureau, 449-3871.

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MONTANA PERSONNEL PERSPECTIVES

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INSURANCE CHANGES ANNOUNCED

A potential 46 percent increase in medical insurance premium rates for the state employees' group insurance plan has been reduced to 18 percent with the addition of a deductible clause for medical coverage and a reduction in the percentage of medical bills which the insurance plan will pay, according to Morris L. Brusett, Director of the Department of Administration, which oversees the plan.

In addition, the state will introduce a health promotion plan for the 10,800 employees and their dependents covered by the $12 million insurance program, to help make them prudent health care consumers and to make the best use of the insurance benefits available to them.

"Health promotion plans are education programs intended to help people develop more healthful lifestyles. These programs usually emphasize exercise, diet, and health risk reduction, in addition to the selection of appropriate medical services to reduce the costs of medical care," Brusett said.

The Director explained that in order to renew existing insurance contracts with the state awarded two years ago, Blue Cross of Montana, which provides medical coverage, requested a 46 percent rate increase and Aetna, which provides dental and life insurance coverage, requested a 26 percent increase for the dental coverage.

The State Employees Group Benefits Advisory Council, which is made up of representatives of the Executive and Legislative branches of government and labor representatives, asked that the entire benefit package be advertised for competitive bids because of the high rate increases requested.

"These reductions in the level of benefits will result in some added cost to the employee who uses the insurance plan," Brusett said. "But to maintain the current level of benefits would mean every state employee would have to contribute directly to help pay the increased premiums."

The Legislature has appropriated $70 per month in fiscal year 1982 and $80 per month in fiscal year 1983 to cover the cost of premiums for an employee. "By reducing the level of benefits," Brusett said, "those amounts will continue to cover the entire cost of the core insurance plan for the employee. It also will hold down the increase in the cost of any optional coverage the employee may have, including the cost of coverage of dependents."

The major reasons for the rate increases are high inflation in doctor and hospital fees, combined with high use of medical services by state employees.

"We hope the reduction in the level of benefits combined with the health promotion program will be an incentive for wise use of the insurance plan," Brusett said.

When the bids to continue current coverage were opened June 18, the premium quoted by all carriers was very close. "The quotes ranged within 4 percent of each other and were comparable to the increases requested by the current carriers", Brusett said. "We have tested the rates charged by our plan in the competitive market and found that we can not provide medical benefits more cheaply with any other company."

The state also had the companies bid on modifications in coverage in an effort to reduce the increase and in consultation with the advisory council, decided to adopt several modifications.

Based on that decision, Blue Cross of Montana had the low bid of $11,289,228 on a combination of medical and dental coverage and Northwestern National Life Insurance Company had the low bid of $727,236 for the life insurance.

Modifications to the core medical, dental and life insurance coverage are introduction of a $100 deductible, which means an employee will pay the first $100 in medical bills before the insurance is effective; reduction of the percentage of covered medical bills the insurance will pay from 90 percent to 80 percent, up to $2,500 after which the plan pays all costs; reduction in total annual benefits from $10,000 to $4,000 for nervous and mental disorders; and extension of the waiting period from six to twelve months for coverage of pre-existing medical conditions for new state employees.

For further information on these changes contact Dave Evenson or Peggy Williams at 449-3871.

BARBARA CHARLTON NAMED HANDICAPPED EMPLOYMENT COORDINATOR

Barbara A. Charlton-Literski has been appointed Handicapped Employment Coordinator for the State of Montana, Department of Administration Director Morris L. Brusett announced.

In her new position, which was created by the 1981 Legislature, Ms. Charlton-Literski will serve as a liaison between state agencies and handicapped individuals and advocacy organizations to provide better employment opportunities for the handicapped within state government.

Among her duties, she will assist agencies in reviewing selection procedures to assure fair treatment of handicapped applicants and will advise agencies on questions such as preventing discrimination in employment against the handicapped, making reasonable accommodations for handicapped applicants, and on accessibility of public facilities to the handicapped.

Currently, Ms. Charlton-Literski is a Personnel Specialist working with Equal Employment Opportunity and Affirmative Action programs in the Department of Administration, Personnel Division. Before coming to the state, she was employed by the Veteran's Administration as a Claims Examiner for disabled veteran's, Coordinator of the Federal Women's Program at Fort Harrison, and a Personnel Clerk. She received her Bachelor of Science Degree from Carroll College.

REVIEW OF CLERICAL POSITIONS TO BEGIN IN AUGUST

A major study of clerical and related positions will be conducted by staff from the Classification Bureau, Employee Relations Bureau and Merit System Bureau beginning in August. The purposes of the study are to review the way in which these positions are classified and to improve the way in which people are hired to fill these positions.

To gather information about each position in this study, clerical employees will be asked to complete a "task inventory questionnaire." The employee will check off each task performed from the prepared inventory of tasks. Staff from the Personnel Division will work with agency management to coordinate the administration of the questionnaire. Where possible, the questionnaire will be administered in a group setting. For outlying areas, it will be mailed to the supervisor, who will be asked to administer it. This information gathering phase of the study is set to get underway the first week in August and should be completed by the end of September.

This project is intended as basic research which will provide a data base for several activities. The information will be used to develop fair and valid hiring methods, including minimum qualifications, written performance tests and suggested performance standards during probation. This information will also be used to rewrite class specifications, assess the desirability of consolidating classes and to examine the classification of individual positions.

The study is being funded in part by an Intergovernmental Personnel Act grant. For further information, contact Classification Bureau Chief John McEwen at 449-3871.

RULE CHANGE CONTEMPLATED

The Merit System Bureau is contemplating a rule change to allow transfer and promotion of non-merit system employees in an agency into merit positions. The promotions and transfers would be made on a non-competitive basis, provided the employee passes the appropriate examination. For further information, contact Bureau Chief Jim Silberberger at 449-2064.

ADMINISTRATOR POSITION EXEMPTED

At its last meeting, the Merit System Council exempted the position of administrator of Health and Environmental Sciences Division from Merit System coverage. This brings to 16 the total number of positions exempted. The council is empowered to exempt top level positions which are given independent responsibility by a politically elected or appointed officer to determine and publicly advocate substantive program policy which governs the essential mission of the agency.

SOCIAL WORKER TEST READY IN SEPTEMBER

A new written test for Social Worker I positions is scheduled for implementation in September. The new test, designed for the Department of Social and Rehabilitation Services, will measure necessary knowledges, skills and abilities needed to successfully perform social work. The written test will be used in conjunction with a structured oral interview administered by local welfare departments. For further information contact Merit System Bureau Chief Jim Silberberger at 449-2064.

MANAGEMENT DEVELOPMENT TRAINING OFFERED IN AUGUST

The Personnel Division will begin offering training for management development in August. The first in a series of management development programs is scheduled for August 4-5, and is titled "Improving Leadership Effectiveness."

The primary objective of this program is to provide participants with new tools to assist them in improving their leadership effectiveness. This program develops a practical guide to leadership, step-by-step procedures to assist managers in becoming more effective leaders in any situation.

"Improving Leadership Effectiveness" will be presented by Dr. Phillip E. Lowry of Lowry Associates from Mesa, Arizona. Dr. Lowry has extensive experience and education in the field of management. He received a Doctor of Business Administration degree from Arizona State University in 1976; for the next two years, he taught management and related courses at Northern Arizona University. In

1978, Dr. Lowry became a faculty member at Arizona State University, where he taught statistics and management science and also engaged in consulting and research. His articles have been published in the Journal of Police Science and Administration and in the Proceedings of the 1979 Western Division of the American Institute of Decision Sciences.

Aspects of management to be addressed in future management development programs include planning and evaluation skills, staff and personnel management skills, organizational skills, and communications skills. These programs will be conducted by highly reputable consultants whose qualifications are well-established and recognized in the field of management development. These consultants are able to provide training of the same quality offered at national conferences and seminars but at considerably less cost to the agency.

For further information regarding management development training, contact the Personnel Division at 449-3871.

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AGENCY HEADS APPROVE NEW POLICY FORMAT

State agency heads have approved a recommendation by the Personnel Division to further revise the approach to personnel policies to ensure that only minimum standards are adopted as rule and become binding on agencies. Revised procedures formalize and will accelerate the division's efforts to provide agencies with increased flexibility to adopt their own procedures for implementing minimum state standards.

In the near future, the state personnel policies will be reissued in a new format which includes the following features:

1. Minimum Standards: Policy provisions adopted as administrative rule will be limited to "minimum standards." These will be provisions where it is necessary for all agencies (all supervisors) to comply. For example, it will be limited to provisions which in the judgment of the Personnel Division and the Personnel Network are required by law, are required by central systems, or are required to maintain minimally acceptable personnel practices. These standards will be reviewed and approved by a subcommittee of the cabinet chaired by the Director of the Department of Administration before adoption as rule.

   These "Minimum Standards" will be the only policy material published as rule in the Administrative Rules of Montana (ARM). They will also be published in Volume III of the Montana Operations Manual (MOM) for agency reference.

2. Interpretive Guide: In some cases it may be beneficial to provide interpretations of the Minimum Standards; for example, cases where a policy standard applies or does not apply.

   The interpretive guides will not be included in the ARM but will be published in conjunction with the minimum standards in MOM, Volume III, to assist in the interpretation of those standards.

3. Model Policy: The majority of policy provisions will be prepared as "Model Policy" by the Employee Relations Bureau with the aid of the Personnel Network. These model policies will contain much more detail than the minimum standards and may include procedural steps. They will be an attempt at providing an ideal policy.

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In order for a model policy to be in effect, a department director will need to formally adopt the model as an internal agency policy. The director may choose to adopt the policy as provided, modify the policy to suit the agency's needs or adopt no policy even though a model policy is available.

A portion of Volume III, MOM will be reserved for agency internal policies. Model policies will be routed through and distributed by agency directors and personnel officers and will not be distributed directly to manual holders by the Employee Relations Bureau.

4. Supervisory Guides: In certain cases, the Employee Relations Bureau will prepare manuals to assist supervisors with particular personnel actions such as selection, discipline handling and performance appraisal. These guides will provide general procedural guidance on techniques to use and how to avoid problems. The supervisory guides will be distributed by the Employee Relations Bureau or will be available at minimum cost from central publications and graphics.

5. Supervisory and Managerial Training: In addition, the bureau will be providing training in select areas of personnel for supervisors, managers and personnel officers. This training may be available upon request or scheduled through the central training section.

In summary, this approach to the development of personnel policies provides for agency flexibility while providing maximum assistance to agencies in personnel administration. Volume III, MOM will be a useful tool for supervisors yet will reflect the policy decisions of each department director. Implementation of the new format will be accomplished in the near future and will require significant change or even repeal of some policies in ARM. Initial efforts will be toward publishing "minimum standards" with "model policies" following as quickly as possible.

HANDICAPPED EMPLOYMENT PROGRAM PLAN AVAILABLE

A program plan outlining the activities of the new Handicapped Employment Coordinator, Barbara Charlton, is available to anyone interested in this program. For a copy, contact Ms. Charlton at 449-3871.

CLASSIFICATION APPEAL RULES CHANGED

House Bill 840, more commonly referred to as the Pay Bill, and the new rules for processing classification appeals adopted by the Board of Personnel Appeals contain some significant changes that should be of immediate interest to personnel officers and administrators.

Of primary importance is the new statutory language that reads, "Employees and employee organizations will be given the opportunity to appeal the allocation or re-allocation of a position to a class. Grade assigned to a class is not an appealable subject under 2-18-1011 through 2-18-1013." In the past, a great many of the group appeals were heard under the issue of upgrading the entire class. No longer will this be a valid issue for group appeals. As such, this new language should greatly diminish a number of group classification appeals.

Of equal importance is the new Rule 24.26.508 Grievance Procedures of the Administrative Rules of Montana. At step 1 the employee's supervisor now has ten working days in which to process the appeal and make appropriate comments, changes or actions. The employee must also clearly identify the issue or issues motivating his or her appeal. The employee must pick an issue from the list provided in the rules. This list includes the following issues:

1. The class specification doesn't adequately describe my position duties.

2. A different class specification is a better description of my position duties.

3. The class title is inappropriate for my position.

4. The minimum qualifications are not equivalent to those required to do my job.

5. Other positions assigned to the same class have less difficult work than my position.

6. My position duties are more similar to positions assigned to a different class.

7. Other positions assigned to the same class perform duties significantly different than my position duties.

8. The position description for my position class does not adequately describe the duties and responsibilities assigned.

9. There are significant responsibilities assigned to my position which are not included in the position description.

10. There are significant duties described in the position description which are not performed by this position.

11. There is not a current position description available for my position.

12. The Pay Plan Rules have been incorrectly applied to my position (specific rules should be cited).

13. (Other) must specifically relate to position classification.

The issue or issues cited by the appellant will be the only issues addressed in all four steps of the appeals process. This, hopefully, will have a very positive effect by allowing the employee, management, personnel officers, Personnel Division, and the Board of Personnel Appeals to process classification grievances in an efficient and timely manner.

If any questions arise or clarification is needed contact Doug Denler at 449-

STATE'S APPLICANT FLOW SYSTEM TO BE SHARED WITH OTHER STATES

Region 8 officials of the Federal Highway Administration Civil Rights Office are so impressed with the state's applicant flow system that they will be sharing it with other state Highway departments in the region, according to Department of Highways Civil Rights Officer Betty Taylor.

During the annual review of Highway's internal EEO operation, Federal Employment Specialist Carol Rushford found that the state's applicant flow system appeared to be the most workable she had seen, will produce statistics which are valid and has a system in place to receive and process the data according to Ms. Taylor. Agencies should order the Applicant Flow Log, Form D, from Publications and Graphics.

MANAGEMENT DEVELOPMENT SEMINARS SCHEDULED IN SEPTEMBER

Two future management development seminars have been tentatively scheduled. On September 8-9, Randy Bauer of Leadership Training Associates, Aurora, Colorado, will present "Building a Winning Work Team." This program will examine the skills necessary for success in teamwork situations. On September 17-18, Dr. Phillip E. Lowry of Lowry Associates, Mesa, Arizona, will return to conduct "Productivity Improvements," the fourth in the series of management development seminars.

For further information, contact Judy Schill in the Personnel Division, 449-3871.

COMMUNICATIONS SUBJECT FOR MANAGEMENT DEVELOPMENT SEMINAR

The second in the series of management development seminars, "The Management Communications Workshop," is scheduled for August 19-20. It will be conducted by Mary Ellen Campbell, Communications Consultant and Assistant Professor of Management at the University of Montana, Missoula.

Because managers must take the lead in motivating actions and influencing decisions, the objective of this two-day seminar is to improve communications, increase productivity, and enhance performance within the agency. Participants will learn how to build their professional management effectiveness by developing a command of oral and written communication.

This management development seminar is designed for persons in top management positions who direct the work of a department, division, or bureau and who typically perform the full range of managerial duties and responsibilities needed for the success of their agencies' programs, projects, and functions.

The consultant for this communications seminar, Mary Ellen Campbell, teaches business communications and advertising writing the university. She also serves as a management communications consultant for numerous businesses and government agencies throughout the northwest.

This two-day seminar will be held in Helena. Cost of enrollment is $95 per participant. Further information may be obtained from the Personnel Division, 449-3871.

AGENCIES DEVELOPING ACTION PLANS

The Department of Livestock is the first state agency to develop an Affirmative Action Plan, which has been approved by the Personnel Division, according to Joyce Brown, state EEO Coordinator.

The Veteran's Home, the Office of the Secretary of State and the State Library have been exempted from writing full Affirmative Action Plans because they have full minority and female representation at all levels in their organizations, Ms. Brown said. These agencies will prepare "mini-plans" containing the agency EEO policy statement and specific action items to deal with handicapped applicants.

Several other agencies have submitted a plan draft to the Personnel Division EEO/Policy Development Section which are currently being reviewed. They are Department of Agriculture, Division of Workers' Compensation, and Public Service Commission.

PERFORMANCE APPRAISAL SYSTEM IMPLEMENTED IN AGENCIES

Seven state agencies have implemented or are in the process of implementing the Montana Performance Appraisal system.

The system has been in operation in the Department of Administration, the Department of Social and Rehabilitation Services and the Department of Agriculture. The departments of Highways, Labor and Industry and Revenue and the Office of Budget and Program Planning are in the process of implementing the system.

Briefings on implementing the system, including preparation of trainers to train agency staff in its use, are available from the Employee Relations Bureau. For details, contact Mark Cress or Jim Nys at 449-3871.

FORM A AVAILABLE

The Handicapped Selection Guide, Form A in the state applicant flow system, is available from the Publications and Graphics Division. This form is used by agencies in assessing handicapped applicants to ensure that all considerations required by state and federal law are made. After completion, it serves as documentation that the required considerations were made.

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HANDICAPPED EMPLOYMENT WEEK TO BE RECOGNIZED BY PUBLIC AND PRIVATE SECTORS

In recognition of "National Employ the Handicapped Week," October 4-10, Governor Ted Schwinden and the State Chamber of Commerce are co-sponsoring a no-host luncheon to bring appropriate attention to the need for affirmative employment of Montana's disabled citizens.

Public and private employers, service organizations, and organizations representing various types of handicaps are being invited to attend the luncheon which is scheduled from noon to 2 p.m., Wednesday, October 7 at Jorgenson's Restaurant.

Richard Remington, Executive Vice President of Mountain Bell will speak on various approaches to employing the handicapped in the private sector. There also will be a speaker representing the public sector.

Persons interested in attending the luncheon should contact the Employee Relations Bureau, 449-3871, by September 30 to make reservations. Cost of the luncheon is $5 and is payable at the door.

HEALTH PROMOTION PROGRAM BEGINS THIS FALL

This fall the Department of Administration is offering a health promotion program to state employees. Blue Cross, the medical insurance carrier, is supporting the program by providing the state with a grant. In addition, the Legislature appropriated some funds for the program.

Health promotion activities will include courses (possibilities include medical self-care, nutrition, fitness, weight control, stress management, controlling back problems, and prevention of heart attacks); health risk appraisals; blood pressure screening, and noon-time information sessions on a single topic, such as breast self examinations. The first course, medical self-care, will be offered to Department of Administration employees starting in September. A schedule of other courses will be announced.

A survey will be distributed to state employees regarding their interest in health promotion. When it is evaluated, we will report on the findings.

It is hoped this program can improve the general health status of employees and can help employees become better consumers of health care services. As a side benefit, the health promotion program may help control rising insurance costs.

For further information on the health promotion program, contact the Employee Benefits Bureau, 449-3871.

LEGAL DEVELOPMENTS

In response to requests from readers for updates on court and administrative cases involving personnel-related issues, *Montana Personnel Perspectives* will feature a monthly report on a recent case.

Bundy v. Jackson (24 FEP 1155), 1981.

The Court of Appeals for the District of Columbia ruled recently than an employer violates federal law by subjecting female employees to sexual harassment on the job, even when the employee's resistance does not result in the loss of any tangible job benefits.

A district court had ruled that harassment was "standard operating procedure" in the agency for which the plaintiff worked. The court found, however, that the supervisors did not take the same sexual propositioning seriously and the plaintiff's rejections had not resulted in any actions being taken against her.

The Appeals Court overturned the district court, citing the guidelines on sexual harassment in the workplace issued by EEOC. The court ruled that allowing an intimidating, hostile or offensive work environment was, in itself, a violation of Title VII and ordered the employer to take immediate steps to correct the problem.

For more details on this case, contact the Employee Relations Bureau, 449-3871.

STAFF CHANGES ANNOUNCED

Patricia Moore has resigned as Administrator of the Personnel Division to attend the Kennedy School of Public Administration at Harvard. Employee Benefits Bureau Chief Dave Evenson has been named Acting Administrator, pending selection of her replacement.

Rodney L. Sundsted has been appointed Labor Relations Bureau Chief, Department of Administration Director Morris L. Brusett has announced. Sundsted is expected to assume the position about November 1. He will oversee contract negotiations and administration for the state with the 72 bargaining units, which represent approximately 5,000 state employees.

Richard Hall is the new Administrative Officer in the Personnel Division. He is responsible for completion of the final phase of the personnel payroll/position control system, according to Ms. Moore. Hall will work in the Personnel Division until January 1, when he will move to Central Payroll. He replaces Jon Moe, who has gone into private business.

Classification Bureau Chief John McEwen has announced that Caleb Mills has accepted the position of Personnel Specialist Supervisor. He replaces George Harris, who now is a Budget Analyst in the Office of Budget and Program Planning. Eric Trimble is the new Personnel Specialist in the Bureau. He replaces Caro Gerber, who now is a Hearings Officer with the Board of Personnel Appeals.

Gary Willis has accepted the position of Personnel Officer in the Department of State Lands, effective September 14. Willis formerly was the Personnel Manager in the Office of the Superintendent of Public Instruction.

AGENCY HEADS DESIGNATE NETWORK REPRESENTATIVES

Agency heads have designated the following staff members to serve as their representatives on the Personnel Policy Network, an advisory group which assists in the development of personnel policies.

The Network members are Barb Kain, Administration; Mary Evans, Agriculture; Gloria Jenneman, Auditor's Office; Laurie McCarthy, Commerce; Olive Price, Fish, Wildlife and Parks; Melva Rude, Health; Russ McDonald, Highways; John Mathews (lead representative) and Dorothy Kenney, Justice; Ray Spiroff, (lead representative) and Debbie Liedle, Labor and Industry; Cecil Greenfield, Livestock; Gary Willis, Lands; Ken Cottrill (lead representative) and Ken Grieb, Military Affairs; Jane Benson, Natural Resources and Conservation; Dorothy Johnson, Superintendent of Public Instruction's Office; Madeline Cottrill, Public Service Commission; Roger Linnell (lead representative) and Don Bentson, Revenue; Jack Stuart, Social and Rehabilitation Services; and Margaret Arendt (lead representative) and Janeth Martin, Secretary of State's Office.

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MONTANA PERSONNEL PERSPECTIVES

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TAYLOR NEW PERSONNEL ADMINISTRATOR

Dennis Taylor has been appointed to head the State Personnel Division, effective November 16. Taylor is budget director for the City of Helena and also has served on the Legislative Council. He replaces Patricia Moore, who resigned to attend the Kennedy School of Public Administration at Harvard.

CHANGES IN HOLIDAY LAW EFFECTIVE OCTOBER 1

Changes in the holiday status requested by the Personnel Policy Network became effective October 1 and the Personnel Division has proposed new policy provisions to administer those changes. Those will be used to administer the changes for upcoming holidays until the proposal can be formally adopted as rule.

The first change from the current policy found in the Montana Operations Manual, Volume III, provides alternate paid holiday leave for part-time employees when the holiday falls on their day off. Alternate leave as well as normal paid holiday leave is prorated for part-time employees. The prorated leave will be determined based on an average of the hours an employee is scheduled to work in a pay period.

The second change provides more latitude for scheduling alternate paid leave for both full and part-time employees when the holiday falls on their regular day off.

The third change provides the same increased latitude for scheduling alternate paid holiday leave for employees required to work on the holiday.

For more information, contact the Employee Relations Bureau, 449-3871 for details.

EARLY RETIREMENT BENEFITS OUTLINED

Members of the Public Employees' Retirement System now have some new early retirement benefits available to them. Early retirement was possible even before the 1981 legislative session; however, with the passage of House Bill 197, early retirement benefits have been expanded considerably.

This bill provides an opportunity for early retirement for those members who have a minimum of 25 years of service or are 50 years of age. This new legislation provides those members who have completed at least 25 years of service or are 50 years of age with a minimum of 5 years of service, an opportunity to elect early retirement.

An employee would, however, experience a reduced monthly retirement allowance by choosing to retire early. This reduced benefit is determined based on an actuarial factor that affects an employee retiring with 25 years service or 50 years of age much more than someone retiring with more than 25 years of service or older than age 50. Retirement benefits are reduced by applying this actuarial factor to the number of years before the retiree would reach age 60 or achieved 30 years of service.

For example, under the regular retirement provisions, a member may retire at one-half his final average salary (F.A.S. = 3 highest consecutive years salary divided by 36) after achieving 30 years of service. For someone whose F.A.S. is $1,200, the regular monthly retirement allowance would be $600. If that same individual decided to retire with 28 years of service, his retirement benefit would then be reduced to approximately $493 per month.

If a second individual, with a F.A.S. of $1,200 chose to retire at age 58 after 20 years of service, he would receive a monthly retirement allowance of approximately $352, as opposed to a $400 allowance for retirement at age 60 with 20 years of service.

These examples may seem like quite a reduction in retirement payments, but these individuals would receive an additional two years of retirement benefits by choosing to retire early. In the first example, that would amount to $11,832, and in the second example, $8,448.

For further information concerning early retirement or any other benefit available through the retirement system, contact the Public Employees' Retirement Division, 449-3154.

TRAINING SCHEDULED SOON

A schedule of training workshops for the months of November and December, 1981, and January, 1982, is near completion and will be mailed soon. This schedule of workshops is the only annoucement of workshops that will be distributed for this period; announcements of individual workshops will not be published.

This schedule contains workshops which state managers and employees have indicated are valuable and appropriate for increasing employee effectiveness and job skills. Employees and their supervisors should carefully read each workshop description to determine that the course content is, in fact, appropriate to the need of the participant. Employees are reminded to observe cancellation deadlines. Cancellations after the dates indicated will be charged the full enrollment fee. However, substitute participants may be enrolled at any time.

The workshop schedule has a new format. Workshops are categorized according to their content -- management and supervision, personnel management, clerical and support staff, technical and general. Brief biographical sketches of the instructors have also been included and, in order to reduce printing costs, the enrollment form has been changed. Additional copies of the enrollment form may be obtained by calling the Training Section, 449-3871.

Holly Peterson has replaced Nina Pullman, who resigned in August, as the administrative aide for the Training Section. She will provide clerical support.

For further information on training, call the Training Section, 449-3871.

LEGAL DEVELOPMENTS

Setser v. Novak Investment Co. (1981)

The Eighth Circuit Court of Appeals has upheld the use of race concious selection measures taken in conjunction with bona fide affirmative action plans.

The Supreme Court has determined that such procedures are not "reverse discrimination" violating Title VII of the Civil Rights Act of 1964. But this reverse discrimination case was filed under the older Civil Rights Act of 1866.

The decision reaffirms the rights of an employer to take appropriate affirmative action without being subject to a reverse discrimination suit for violating the statute the employer is trying to implement.

For more details on this case, contact the Employee Relations Bureau, 449-3871.

FOUR MORE AFFIRMATIVE ACTION PLANS APPROVED

Affirmative action plans for the Department of Revenue, the Department of Public Service Regulation, the Employment Security Division, and the Department of Agriculture have been reviewed and approved, EEO Coordinator Joyce Brown has announced. Approved plans are available to other agencies for use as models in the development of their plans.

For more information, contact Ms. Brown or Jim Nys at 449-3871.

CLERICAL STUDY DATA UNDERGOING ANALYSIS

The data gathering phase of the clerical study is complete. With the assistance of agency personnel officers, managers and employees, more than 1,000 task inventory questionnaires were filled out by employees in 70 different job classes. The data has now been entered into the computer and various analyses are now being run.

For more details on the clerical study, contact Classification Bureau Chief John McEwen, 449-3871.

MARYLAND TO USE MONTANA'S PERFORMANCE APPRAISAL TRAINING PACKAGE

Describing it as "the best training package on performance appraisal I've seen," Chester Carpenter of the Maryland Management Development Center has requested permission from Employee Relations Bureau Chief Mark Cress to use training materials developed by the bureau staff to implement performance appraisal for Maryland's 52,000 classified employees.

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MONTANA PERSONNEL PERSPECTIVES

VOLUME I
NUMBER 9

NOVEMBER, 1981

EXECUTIVE ORDER AUTHORIZES EEO PROGRAM

A new executive order directing the Department of Administration to implement and maintain an Equal Employment Opportunity program in State government has been issued by the Schwinden administration.

Executive Order 24-81, signed by Lt. Gov. George Turman, in his capacity as Acting Governor, provides as follows:

WHEREAS, equal opportunity in state government is a goal to which I am committed, and

WHEREAS, discriminating barriers to employment in state government must be eliminated, and

WHEREAS, an effective state equal employment opportunity program must be implemented and maintained.

NOW, WHEREOF, I, GEORGE TURMAN, by the authority vested in me as Governor of the State of Montana, pursuant to Article VI, Section 4, of the Constitution of the State of Montana and Sections 2-7-103, 2-15-103, and 2-15-201, Montana Codes Annotated, do hereby order the Department of Administration as follows:

1. Implement and maintain an Equal Employment Opportunity Program for all state government employees. Specifically, the Department shall provide such regulations, standards, and other guidelines as may be necessary to implement and maintain an effective equal employment opportunity program throughout state government. The program objectives shall be to eliminate discrimination in personnel salaries and procedures, job structuring and classification, hiring, firing, promoting and training.

2. Monitor the Equal Employment Opportunity Program and submit a status report to me within 90 days of the end of each year.

This order is effective immediately.

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STUDY COMMISSION MEETS

The role of the Board of Personnel Appeals in collective bargaining and statutory personnel grievances is the first specific issue area to be examined by a special study commission on State personnel and labor relations.

The 13-member Commission, created by Governor Ted Schwinden, is chaired by State Rep. Frances Bardanouve, (D-Harlem). At its first meeting, November 12, the Commission established an agenda of issues it will consider during the coming year.

The commission is charged with making recommendations to Gov. Schwinden and the Legislature on personnel practices, to make the most efficient use of the state's human resources, Department of Administration Director Morris L. Brusett explained.

Collective bargaining issues are the top priority for the commissioners, who will look into collective bargaining responsibilities of the Legislative and Executive Branches, in addition to the role of the Board of Personnel Appeals and other labor-related issues.

According to Brusett, the commission will also look at the job classification system and pay plan and at such personnel management practices as recruitment, selection, staff development, and performance appraisal.

Commissioners were appointed because of their interest and expertise in personnel and labor relations in State government and the private sector. Other commissioners appointed by Governor Schwinden are:

- Senator Jan Johnson Wolf, (R-Missoula), Vice Chair
- Percy Cline, Human Resources Staff Manager for Mountain Bell in Helena
- Jerry Driscoll, Assistant Business Manager of Laborers' Local #98 in Billings and President of Montana State AFL-CIO
- Richard Ferderer, Secretary-Treasurer of Teamsters' Local #45 in Great Falls
- Nancy Hanson, Vice President for Human Resources with First Northwestern Bank in Billings
- Don Robinson, a Butte attorney in private practice, specializing in labor relations
- Tom Schneider, Executive Director of the Montana Public Employees' Association, Helena
- LeRoy Schramm, Chief Legal Counsel for the Office of the Commissioner of Higher Education, Helena
- Ray Shackleford, Deputy State Superintendent of Public Instruction, Helena

- State Senator Fred Van Valkenburg (D-Missoula)

- Gary Wicks, Director of the Montana State Highway Department, Helena

- State Representative Calvin Winslow (R-Billings)

State EEO Coordinator Joyce Brown has been appointed staff coordinator for the commission. The next meeting of the Commission is scheduled for January 5.

HANDICAPPED EMPLOYMENT COMMITTEE REESTABLISHED

Gov. Ted Schwinden has reestablished the Montana Governor's Committee on Employment of the Handicapped and has officially transferred responsibilities for the committee from the Department of Labor and Industry to the Department of Administration.

Department of Administration Director Morris L. Brusett is the new chairman of the GCEH and Barbara Charlton, State Handicapped Employment Coordinator, is the new executive secretary.

Appointments to the committee will be announced soon. For more information on the committee, contact Ms. Charlton at 449-3871.

STAFF CHANGES ANNOUNCED

New Personnel Division Administrator Dennis Taylor and new Labor Relations Bureau Chief Rod Sundsted are now on board with the division.

Merit System Bureau Chief Jim Silberberger has resigned effective Nov. 27, to accept the personnel officer position with the Thousand Oaks School District in California.

EEO Coordinator Joyce Brown has been appointed full-time staff coordinator for the Personnel Study Commission.

Meg Arnold has transferred from the Merit System Bureau to the Classification Bureau.

Employee Benefits Bureau Chief David Evenson will take an educational leave of absence.

Taylor and Arnold can be reached at 449-3871 and Sundsted can be reached at 449-5614.

EMPLOYEE HANDBOOKS NOW AVAILABLE

New state employee handbooks are now available for purchase from the Publications and Graphics Division.

Because a limited quantity was printed initially, agencies will be able to purchase up to 50 copies. The cost is 53¢ per copy. Each agency has been

asked to estimate the number of copies it will need to help Publications and Graphics determine the number of copies which will be produced in the second printing.

Personnel officers in each agency have received copies of the handbook for review. For more information on the handbook, contact Publications and Graphics, 449-3053, or the Employee Relations Bureau, 449-3871.

LEGAL DEVELOPMENTS

Northwest Airlines v. Transport Workers Union of America, AFL-CIO, 1981, (25 FEP Cases 737).

The Supreme Court has ruled that an employer found liable for payment of back wages in an equal pay violation does not have the right to require contributions to the settlement award from unions which allegedly bear at least partial responsibility for the violation.

The employer had agreed with the union to wage rates which paid male employees more for doing work equivalent to that performed by its female employees. Following a class action suit, a federal district court awarded more than $20 million in back pay and damages to the female employees.

The employer filed a separate action against the union asking that the union be judged liable to pay a portion of the monetary liability assessed against the employer.

The Supreme Court rejected the employer's claim, noting that employers and unions do not share common liability under the Equal Pay Act, Title VII, or federal common law.

DEFERRED COMPENSATION PERFORMANCE OUTLINED

The table on the following page will provide information about the past performance of the deferred compensation options.

Actual fund performance for an individual account may vary from the figures in the table because the performance of an individual account depends heavily on when the money is invested and when the money is withdrawn.

Performance is also affected by the amount of money in the account because $12 a year is charged to administer active accounts.

Changes in the amounts invested or the options selected can be made twice a year in May or November. An employee who wishes to make a change should contact Montana Benefits/G.T. Murray and Co., P.O. Box 603, Helena, MT, 59624, phone 443-6398, before November 30.

Other questions regarding deferred compensation also may be referred to the Personnel Division Employee Benefits Bureau, 449-3871.

PERFORMANCE OF DEFERRED COMPENSATION OPTIONS
AS OF SEPTEMBER 30, 1981

Fund	Type of Fund	Percent Asset Value Change in Last 3 Months	Percent Asset Value Change in Last 6 Months	Percent Asset Value Change in Last Year	Percent Asset Value Change in Last 5 Years (Yearly Average)	Percent Asset Value Change in Last 5 Years (Yearly Average)
Deferred Compensation Plan Options:						
1. Fixed annuity-money invested before January 1, 1981	Guaranteed rate of return - Long-term committments	2.1	4.2	8.4	7.9	INA**
2. Fixed annuity-money invested after January 1, 1981	Guaranteed rate of return - Long-term committments	2.7	5.3	INA*	INA*	INA*
3. Mutual Investing Foundation Fund	Income Stocks	-9.2	-9.6	2.6	3.4	5.1**
4. National Investors Corporation Fund	Growth Stocks	-14.8	-18.1	-11.5	9.8	5.9**
5. Putnam Investors Fund	Growth Stocks	-14.5	-16.7	-5.1	11.5	7.8**
6. Massachusetts Investors Growth Stock Fund	Growth Stocks	-12.2	-13.7	-2.1	12.4	5.5**
7. Mutual Investing Money Market Fund	Short-term debt instruments	4.2	8.0	15.2*	INA*	INA*
8. Massachusetts Financial High Income Trust Fund	High-income producing bonds	-7.7	-6.1	-6.5*	INA*	INA*
9. Massachusetts Capital Development Fund	Higher-risk growth stocks	-14.5	-14.7	13.0*	28.4*	17.9*
Market Indicators:						
1. U.S. Consumer Price Index	Measure of price changes	2.9	5.2	10.8	9.6	8.3
2. Dow Jones Industrial Average	Industrial stocks	-13.0	-15.3	-8.8	-1.7	1.5
3. Dow Jones Bond Aver.	Bonds	-7.9	-10.2	-15.7	-3.7	-3.8
4. Money Market Funds as published in the Wall Street Journal	Short-term debt instruments	4.3	8.1	15.5	INA	INA
5. Six-month Money Market Certificates (Commercial Banks)	Guaranteed six month rate - Short-term debt instruments	3.8	7.5	14.3	INA	INA

INA - Information used to compute this statistic is not available.
* - This option was not available to state employees before 1/1/81
** - This option was not available to state employees before 7/1/76

INSURANCE CLAIM PAYMENT TIME SHOULD IMPROVE

Payments for medical and dental benefits on the state insurance plan have been slow recently because Blue Cross is converting to a computerized claim system. Blue Cross expects the backlog of claims to be cleared up within the next few weeks and claim turnaround time should improve. Blue Cross also encountered some system problems when it took over the dental plan, however, these have been mostly corrected and dental benefits now are being paid.

Employees who have dependent dental coverage will receive "Coordination of Benefits" forms from Blue Cross. Becuase the state's contract with Blue Cross provides that the total benefits payable by all applicable insurance companies for a procedure will not exceed the cost of the procedure itself, Blue Cross must know if a dependent is covered under another insurance plan.

For more information on the insurance plan, contact the Employee Benefits Bureau, 449-3871.

PHYSICIAN TO CONSULT ON HEALTH PROMOTION PROGRAM

Dr. Gayle Wilson, a physician specializing in preventative medicine, has been hired as a consultant for the state's Health Promotion Program. Dr. Wilson is a graduate of Loma Linda University School of Medicine and is certified in family practice.

In addition to acting as a liaison between the state and the medical community, Dr. Wilson will be helping plan the overall health promotion plan. Currently he is offering an interpretation session for the 123 employees who took the health risk appraisal.

For further information about the health promotion program, contact Peggy Williams at 449-3871.

TRAINING SCHEDULE DISTRIBUTED

The training schedule for November and December, 1981, and January, 1982, has been mailed out. Five categories of workshops are being offered - managerial development, supervisory development, personnel management, clerical and support staff training, technical training, and workshops of general interest. Enrollments for a number of the workshops which are described in the schedule, are still being accepted. To enroll or to obtain a copy of the schedule, please contact Holly Peterson at 449-3871.

PRODUCTIVITY MEASURES SEMINAR SCHEDULED IN DECEMBER

Dr. Phillip E. Lowry of Lowry Associates, Mesa, Arizona, will return to Montana to conduct another seminar in the management development series, "Productivity Measures for the Public Sector," on December 17-18. This seminar was originally scheduled during September, but was postponed due to conflicts with several agencies' schedules.

For the past ten years there has been an increasing amount of study devoted to measuring productivity. Unfortunately, very little of this research has been translated into specific measures appropriate for use in typical service organizations in the intermountain west. Productivity measures that are appropriate in San Jose, California, may not be appropriate in Boise, Idaho; Salt Lake City, Utah; or Helena, Montana. The typical productivity school, therefore, deals with generalities that may not be appropriate for a specific organization.

The purpose of this seminar on Productivity Measures is to show supervisors and managers how to develop measures of service that are appropriate for their own organization. This program has been successfully applied in Arizona where it was possible to teach the participants "how to do it" as well as to develop measures, in class, that would be applied to their own organizations.

This management training seminar is designed for persons in top management positions who direct the work of a department, division, or bureau and who typically perform the full range of managerial duties and responsibilities needed for the success of their agencies' programs, projects, and functions. Because the focus of this seminar is on developing measures in class that can be applied to the participant's own agency, it is necessary that participants be thoroughly familiar with their agencies' operation and productivity problems.

Phillip E. Lowry has had extensive experience and education in the field of management. In 1976, Dr. Lowry received a Doctor of Business Administration degree from Arizona State University. From 1976 to 1978, he was on the faculty at Northern Arizona University where he taught management and related courses. He was the coordinator for the Northern Arizona University Small Business Institute and served as consultant for many business firms in Northern Arizona. He also taught seminars dealing with management of organizations.

In 1978, Dr. Lowry became a member of the faculty at Arizona State University. He taught statistics and management science and was also engaged in consulting and research. His most recent articles appeared in the Journal of Police Science and Administration and in the Proceedings of the 1979 Western Division of the American Institute of Decision Sciences. These articles deal with a manpower model for forecasting the manpower needs of the Arizona Department of Public Safety Highway Patrol Bureau and with identifying the sources of dissatisfaction among law enforcement supervisors.

Dr. Lowry is now primarily engaged in consulting and providing management training programs. His most recent consulting experience was a management audit of the Rock Springs, Wyoming, Police Department. He is also conducting employee opinion surveys for a major hotel chain. His management training programs have included an eighty-hour executive development program for the Wyoming Law Enforcement Academy and four thirty-two hour Personnel Management programs for the Arizona Law Enforcement Officer Advisory Council. In addition, Dr. Lowry has conducted many other shorter programs in Labor-Management Relations, Leadership, Time-Management, Decision Analysis, Communications, Human Behavior, and Productivity for public and private sector clients.

Dr. Lowry has also conducted a number of seminars for the Department of Justice and several law enforcement agencies in Montana. In August, he conducted the seminar "Leadership Effectiveness" for the State of Montana. Participants' evaluations of the seminar were extremely favorable.

This two-day seminar will be conducted in the meeting room in the basement of the Valley Bank, 3030 North Montana Avenue. It will begin at 8 a.m. and end at 4 p.m. each day, with an hour and a half for lunch. The cost of enrollment in this program is $100. A maximum of 30 participants is allowed.

To enroll in this seminar or to obtain further information concerning this program, please call Holly Peterson or Judy Schill at 449-3871.

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MONTANA PERSONNEL PERSPECTIVES

VOLUME I
NUMBER 10

DECEMBER, 1981

HANDICAPPED EMPLOYMENT COMMITTEE APPOINTED

Gov. Ted Schwinden has appointed a 13-member Governor's Committee on Employment of the Handicapped, which will meet for the first time on Jan. 12.

Committee members are:

- Morris L. Brusett; chairperson of the Committee;
- Jill D. Rohyans of Helena; representative of the Developmental Disabilities Planning and Advisory Council;
- Lowell L. Bartels of Helena; representative from private business;
- Thomas C. Sanders of Butte; representative of labor;
- Sharon L. Eastman of Glasgow; representative from Visual Services Council;
- Joyce DeCunzo of Helena; representative from the Developmental Disabilities Planning and Advisory Council;
- Rose E. McGuire of Helena; representative from private business;
- Marlyn W. "Dade" Madson of Great Falls; representative from Visual Services Council of Social and Rehabilitation Services;
- Mark Bowlds of Helena; representative from the Department of Labor and Industry;
- J.C. Carver of Helena; representative from Rehabilitative Services Council of Social and Rehabilitation Services;
- Vivian Crabtree of Helena; optional committee member;
- Robert T. LeMieux of Great Falls; representative from the Rehabilitation Services Council of Social and Rehabilitation Services;
- Betty L. Taylor of Helena; personnel representative from a state agency.

Handicapped Employment Coordinator Barbara Charlton is the executive secretary to the committee.

The Governor's Committee on Employment of the Handicapped originally was organized in 1974 as a sub-committee of the Department of Labor and Industry's CETA State Advisory Council. No staffing or program funds were attached to the committee and its single role was to operate the "Ability Counts" contest for junior high school students across the state.

By 1979, committee members questioned their purpose and felt they could be doing more for the disabled community; however, no staffing or funds were available. By 1980, efforts were being made to acquire staff, including a request from the Montana Coalition for the Handicapped for the establishment of a handicapped coordinator position.

The 1981 Legislature created this position, which was placed in the Department of Administration. It was determined that one of the functions of this position would be to provide staff support to the committee.

In November, 1981, the committee structure was revised and was transferred to the Department of Administration. At its January meeting, the committee will review and prioritize program goals and objectives.

For more information about the committee or the meeting, contact Barbara Charlton at 449-3871.

STUDY COMMISSION TO MEET

The Personnel and Labor Relations Study Commission will meet Jan. 5. The topic for the second meeting of the Commission will be the role of the Board of Personnel Appeals.

Interested persons may obtain a schedule of meetings and the proposed commission agenda by contacting Project Director Joyce Brown at 449-3871.

MERIT SYSTEM CLOSING DOORS

The Merit System Bureau stopped accepting employment applications on Dec. 8 and the staff is in the process of closing the bureau. The final day of operation will be Dec. 31. The functions of the bureau have been distributed to Job Service and to the individual merit agencies.

The General Services Division requests that no deadhead mail be addressed to the Merit System Bureau after Dec. 31.

The Personnel Division will continue to provide staff support to the Merit System Council. Questions or correspondence addressed to the Council should be referred to the Division.

AFFIRMATIVE ACTION PLANS APPROVED

Affirmative action plans from the Department of Highways and the Department of Labor and Industry Division of Workers' Compensation have been submitted to the Personnel Division and approved.

Other plans nearing completion include the Department of Administration, the Department of Labor and Industry master plan and the Montana State Library.

Additional plan development aides are now available by contacting Jim Nys at 449-3871.

PERFORMANCE APPRAISAL IMPLEMENTED

Several departments have recently begun implementation of Employee Performance Appraisal systems. Supervisory and management personnel from the Department of Military Affairs, the Department of Administration and the Department of Commerce have been introduced to or trained in the system developed for agency use by the Personnel Division.

For further information or scheduling performance appraisal training sessions, contact Mark Cress or Jim Nys at 449-3871.

STAFF CHANGES

Administrative Officer Peggy Williams has resigned to accept a position with the Legislative Fiscal Analyst, effective Dec. 28. Labor Relations Bureau Chief Rod Sundsted will supervise the Employee Benefits Bureau while Bureau Chief Dave Evenson is on leave of absence.

Personnel Specialist Linda Rickman will transfer from the Merit System Bureau to the Employee Relations Bureau.

LEGAL DEVELOPMENTS

Thompson v. Harlem Schools

The Montana Supreme Court, on May 6, 1981, struck down the nepotism policy of the Harlem Public Schools, ruling it to be in conflict with the marital status discrimination prohibitions of the Montana Human Rights Act.

The school district had adopted a rule prohibiting the spouse of a school district administrator from being employed by the district.

The court held in its opinion that the definition of the term "marital status" includes the identity and occupation of one's spouse (in addition to the state of being married or single, etc.) The court further found no provision in statute which allows such discrimination if "based on reasonable grounds."

In brief, this case expanded the definition of marital status, determined that as presently written, Montana law does not provide a "business necessity" exception to marital status discrimination law, as is present in other parts of Montana anti-discrimination law.

For more information on this case, contact Jim Nys at 449-3871.

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